

Presentation on Environmental Issues



**at the
Turks & Caicos Islands Judicial Education Week
2024**

Delivered by
Sunil K. Sookraj

Former Chairman Environmental Commission of Trinidad & Tobago

ENVIRONMENTAL ISSUES

Factors Courts must consider in treating with Environmental Issues and resolving Environmental Disputes

- 1) Constitutional Protection
- 2) Plaintiff/ Applicant's Standing
- 3) Treatment and Award of Costs
- 4) International Law



CONSTITUTIONAL PROTECTION

Courts must give necessary regard for protections afforded to the Environment

- **Constitutional Protection of the environment**
- **Construction of Legislation that touches and concerns the environment**

• Shrestha v. Office of the Prime Minister et al - Nepal



COURTS MUST ENSURE ACCOUNTABILITY

Management, Conservation and Protection of the Environment demands Accountability

- Governments
- Agencies
- Corporations
- Other Public Entities

INTERGENERATIONAL EQUITY

Obligation on Present Generation to use and conserve the environment for Future Generations

- Barragán et al. v. Presidencia de la República et al. Corte Suprema de Justicia [Supreme Court of Justice], 5 Apr. 2018, STC4360-2018
- Shreshta v. Office of the Prime Minister et al. NKP 2075 (2018), 61(3), Decision No. 10210
 - Constitution of Guyana, Jamaica and Belize
- Glouster Resources Ltd. V. Minister of Planning [2019] NSWLEC 7
 - Turks and Caicos Islands Constitution Order 2011
- Khan Cement Co. v. Government of Punjab, C.P. 1290-L/2019

STANDING

- Eco Sud & Ors v. Minister of Environment, Solid Waste and Climate Change & Anor., PC Appeal No. 0070 of 2023
- Mussington and Anor. V. The Development Control Authority and Ors., PC Appeal No. 0116 of 2021

COSTS

- Public Spirited citizen
- Clarifying Point of Law
- Pursuit of Justice and Transparency



INTERNATIONAL LAW

- ✓ Stockholm Declaration
 - Recognition of the Right to a Healthy Environment
- ✓ Subhash Kumar v. State of Bihar – 1991 AIR 420
- ✓ Virender Gaur v. State of Haryana – 1995 (2) SCC 577

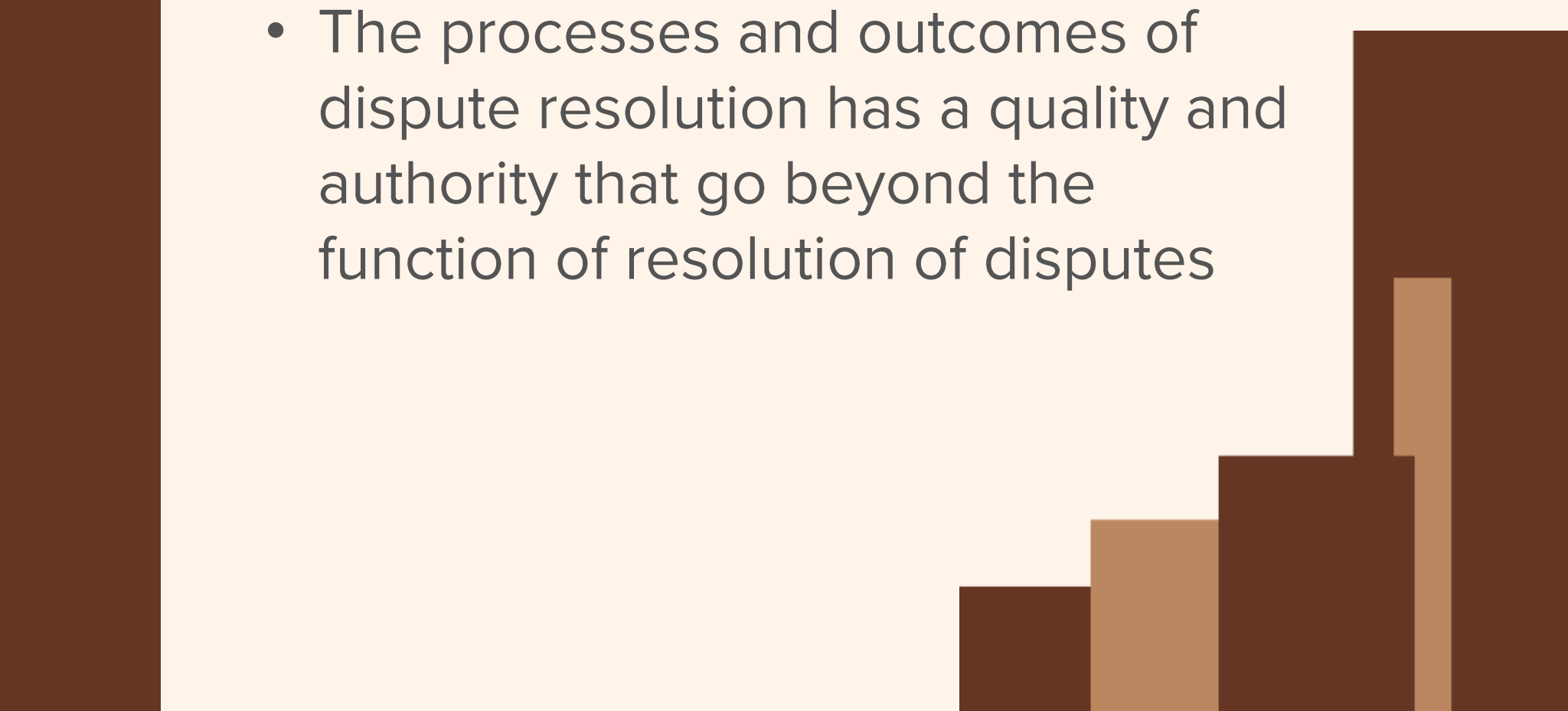
SPECIALIST ENVIRONMENTAL COURT

- Greater access to Environmental Justice
- More Responsive/ Relaxed Rules of Court
- Remedies are more responsive to Parties interest



ENVIRONMENTAL JUSTICE

Two squares, one dark brown and one light brown, are positioned in the top right corner of the slide.

- The processes and outcomes of dispute resolution has a quality and authority that go beyond the function of resolution of disputes
- 
- A series of vertical bars of varying heights and shades of brown are located on the left and bottom right of the slide, creating a modern, abstract design.

THANK

YOU

